IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10731 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KAMLESHBHAI RAVJIBHAI PATEL

Versus

REGIONAL PASSPORT OFFICE

Appearance:

1. Special Civil Application No. 10731 of 2004

MR TRILOK J PATEL for Petitioner No. 1

MR JITENDRA MALKAN for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 17/09/2004

ORAL JUDGEMENT

1. RULE. Mr.Jitendra Malkan learned Central

Government Standing Counsel waives service of notice of Rule on behalf of the respondent.

2. The petitioner was adopted by his uncle Shri Ravjibhai Jorabhai Patel by Adoption Deed dated 22/05/1990, at Annexure `B' to the petition. Therefore, the name of the father of the petitioner was to be changed from Hargovinddas Karshandas Patel to Ravjibhai Jorabhai Patel. Subsequently, the corrected name of the petitioner was reflected at Sr.No.43 in the Government Gazette published on 12th July, 1990, at Annexure `C' to the petition.

3. In above view of the matter, the respondent authority ought to have issued a fresh Passport with the corrected name of the petitioner. But, since the respondent has not acted upon the said Government document, the petitioner was constrained to approach this Court by way of this petition.

4. Though Rule was made returnable on 10/09/2004, none appeared for the respondent. Therefore, the matter was kept for today. I have heard learned advocates for the parties and have gone through the relevant documents produced on record. Mr.Malkan was not in a position to dispute the above legal position. Hence, the respondent authority is directed to issue a fresh Passport with the corrected name of the petitioner as is clear from the Government Gazette published on 12th July, 1990. With the aforesaid direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

(K. S. Jhaveri, J.)

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